

CLERK'S OFFICE U.S. DIST. COURT  
AT HARRISONBURG, VA  
FILED  
for Danville  
MAY 07 2014  
JULIA C. DUDLEY, CLERK  
BY: *K. Dotson*  
DEPUTY CLERK

**By: Michael F. Urbanski**  
**United States District Judge**

1. The report and recommendation (Dkt. # 28) is **ADOPTED in its entirety**;
2. Defendant's motion to dismiss (Dkt. # 7) is **GRANTED**;
3. Plaintiff shall file any amended complaint correcting the deficiencies set forth in the Magistrate Judge's report within **ten (10) days** of entry of this Order. **Plaintiff is hereby notified that failure to file an amended complaint may result in the dismissal of his claims with prejudice**;
4. Plaintiff's motion for summary judgment (Dkt. # 21) is **DENIED as moot**; and

5. Plaintiff's motion to compel (Dkt. # 26) is also **DENIED as moot**.

The Clerk is directed to send a copy of this Order to the pro se plaintiff and to counsel of record.

Entered: May 7, 2014

*/s/ Michael F. Urbanski*

Michael F. Urbanski  
United States District Judge